

AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF BURTZ STREET, NW, LOCATED ON THE WEST SIDE OF HOLLYWOOD ROAD, NW BETWEEN HOLLYWOOD ROAD, NW AND THE DEAD-END OF BURTZ STREET CONSISTING OF APPROXIMATELY 0.83 ACRE OF LAND AND TO ACCEPT THE DONATION FROM BOLTON PARK, L.P. OF APPROXIMATELY 0.91 ACRE OF LAND THAT WILL BE USED TO RELOCATE THE PORTION OF BURTZ STREET, NW ON THE WEST SIDE OF HOLLYWOOD ROAD, NW, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO BOLTON PARK, L.P.; TO WAIVE APPRAISAL REQUIREMENTS CONTAINED IN SECTION 138-9 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Review List:

Santana Wright	Completed	05/17/2013 2:55 PM
Rita Braswell	Completed	05/17/2013 4:02 PM
Richard Mendoza	Completed	05/20/2013 4:24 PM
Saul Sschultz	Completed	05/20/2013 4:59 PM
John Lavelle	Completed	05/23/2013 8:48 AM
Mayor's Office	Completed	05/23/2013 10:36 AM
Office of Research and Policy Analysis	Completed	05/23/2013 11:02 AM
City Utilities Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action</p> <p style="text-align: center;"><i>See Authentication Page Attachment</i></p>	

**ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF BURTZ STREET, NW, LOCATED ON THE WEST SIDE OF HOLLYWOOD ROAD, NW BETWEEN HOLLYWOOD ROAD, NW AND THE DEAD-END OF BURTZ STREET CONSISTING OF APPROXIMATELY 0.83 ACRE OF LAND AND TO ACCEPT THE DONATION FROM BOLTON PARK, L.P. OF APPROXIMATELY 0.91 ACRE OF LAND THAT WILL BE USED TO RELOCATE THE PORTION OF BURTZ STREET, NW ON THE WEST SIDE OF HOLLYWOOD ROAD, NW, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO BOLTON PARK, L.P.; TO WAIVE APPRAISAL REQUIREMENTS CONTAINED IN SECTION 138-9 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from Bolton Park, L.P., ("Bolton Park") the owner of abutting property, to abandon a portion of Burtz Street, N.W., consisting of approximately 0.83 acres and more specifically described in the attached Exhibit "A"; and

WHEREAS, Bolton Park has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, Bolton Park has agreed to donate to the City approximately 0.91 acres of land located in the same Land Lot 252 of the 17th District of Fulton County, Georgia as the property to be abandoned; and

WHEREAS, the area of the real property to be donated to the City by Bolton Park is greater than the area of the real property to be abandoned by the City and the transaction will result in a net gain to the City of approximately 0.08 acres; and

WHEREAS, Section 2-1543 of the Code of Ordinances allows the Chief Procurement Officer to exchange real property on a square-foot by square-foot basis; and

WHEREAS, Section 2-1544 of the Code of Ordinances authorizes the City to accept, as a donation of property, any excess real property above and beyond the square footage being conveyed by the City to an Applicant; and

WHEREAS, Bolton Park desires to make the exchange without an appraisal or exchange of funds and proceed under Sections 2-1543 and 2-1544 of the Code of Ordinances; and

WHEREAS, the Office of Enterprise Assets Management agrees that the real property to be exchanged is in such close physical proximity and is being used for the same purpose that an appraisal will be unnecessary to determine value given and received by the City because the City is receiving more square footage of real property in the transaction as a dedication without cost; and

WHEREAS, the requirement contained in Section 138-9 of the Code of Ordinances regarding the obtaining of appraisals should therefore be waived; and

WHEREAS, the City will use the donated property to relocate Burtz Street; and

WHEREAS, the abandoned portion of Burtz Street, N.W. will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the Department of Public Works has reviewed the request from the abutting property owner and has concluded that the abandonment of the portion of the right-of-way described herein will not have any adverse affect on traffic movement now and in the future.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That any and all remaining portions of Burtz Street, N.W., between Hollywood Road, N.W. and the dead-end of Burtz Street, N.W., on the West side of Hollywood Road, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 252 of the 17th District of Fulton County, Georgia are hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon said property located on Burtz Street (as hereinabove defined).

Section 3: That Bolton Park, L.P., the abutting property owner, in consideration of the abandonment described herein and in exchange therefore, has agreed to convey to the City by Warranty Deed certain real property consisting of approximately 0.91 acres of land located in Land Lot 252 of the 17th District of Fulton County, Georgia to be used for a relocated Burtz Street.

Section 4: That the City hereby waives the requirement set forth in Sections 2-1578 and 138-9 of the Code of Ordinances for payment of fair market value in exchange for the Quitclaim Deed provided that Bolton Park delivers to the City a Warranty Deed in accordance with Section 3 above.

Section 5: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 6: That as the property to be donated to the City in accordance with Section 3 above is larger in size than the property to be abandoned by the City, an appraisal to determine the fair market value of either of the properties to be exchanged shall not be required and that the requirements with respect to obtaining an appraisal set out in Section 138-9 of the Code of Ordinances is hereby waived.

Section 7: That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 8: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and pending receipt of a Warranty Deed from Bolton Park described in Section 3 above and the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 9: That the Mayor, or his designee, be and is hereby authorized to execute a Quitclaim Deed to convey any interest that the City may have in the above-referenced portion of Burtz Street (herein described in Exhibit "A").

Section 10: That the delivery of the Quitclaim Deed to Bolton Park is conditioned on the simultaneous delivery of a Warranty Deed from Bolton Park to the City of the property described in Section 3 above and depicted in Exhibit "A".

Section 11: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.